



City of Nedlands

# ***Minutes***

## ***Council Meeting***

***22 September 2015***

### **Attention**

**These Minutes are subject to confirmation**

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.

## Table of Contents

Declaration of Opening.....	3
Present and Apologies and Leave of Absence (Previously Approved).....	3
1. Public Question Time.....	4
2. Address by Members of the Public.....	4
3. Requests for Leave of Absence.....	5
4. Petitions.....	5
5. Disclosure of Financial Interest.....	5
6. Disclosures of Interests Affecting Impartiality.....	5
7. Declarations by Members That They Have Not Given Due Consideration to Papers.....	5
8. Confirmation of Minutes.....	6
8.1 Ordinary Meeting of Council 25 August 2015.....	6
9. Announcements of the Presiding Member without discussion.....	6
10. Members announcements without discussion.....	6
11. Matters for Which the Meeting May Be Closed.....	7
11.1 Confidential Item - Chief Executive Officer.....	7
12. Divisional reports and minutes of Council committees and administrative liaison working groups.....	7
12.2 Planning & Development Report No's PD39.15 to PD41.15.....	8
PD39.15 (LOT 3) No. 7 Nardina Crescent, Dalkeith – Two Storey Single House ....	8
PD40.15 11_(LOT 300) No. 3/29 Asquith Street, Mount Claremont – Proposed Change of Use (From Shop to Lunch Bar).....	11
PD41.15 Girl Guides Western Australia Inc. – Lease Of Guides Hall At 121 Monash Avenue, Nedlands – Portion Of Reserve 20838.....	15
12.3 Technical Services Report No: TS22.15.....	16
TS22.15 Mt Claremont Shopping Centre Parking.....	16
12.4 Community & Organisational Development Report No: CM06.15.....	18
CM06.15 Community Sport and Recreation Facilities Fund Application – Allen Park Pavilion Upgrade.....	18
12.5 Corporate & Strategy Report No's CPS21.15 to CPS22.15.....	19
CPS21.15 List of Accounts Paid – July 2015.....	19
CPS22.15 Corporate Business Plan – Quarter 4 2014/15.....	20
13. Reports by the Chief Executive Officer.....	21
13.1 Common Seal Register Report –August 2015.....	21
13.2 List of Delegated Authorities – August 2015.....	21
13.3 Sayer Street Road Closure.....	22
13.4 Financial Assistance Grants to Local Government.....	27
14. Elected Members Notices Of Motions Of Which Previous Notice Has Been Given.....	28
15. Elected Members Notices Of Motion Given At The Meeting For Consideration At The Following Ordinary Meeting On 22 Sept 2015.....	28
16. Urgent Business Approved By The Presiding Member Or By Decision ...	28
17. Confidential Items.....	29
17.1 Chief Executive Officer – New Employment Agreement.....	29
DECLARATION OF CLOSURE.....	30

---

**City of Nedlands**

**Notice of an Ordinary Meeting of Council to be held at the City of Nedlands  
Council Chambers, Tuesday 22 September 2015 at 7.00pm.**

---

**Council Minutes**

**Declaration of Opening**

The Presiding Member declared the meeting open at 7.00pm and draw attention to the disclaimer below:

(Note: At the Ordinary Meeting held on 24 August 2014, Council resolved that should the meeting time reach 11.00pm, the meeting is to consider an adjournment motion to reconvene the next day).

**Present and Apologies and Leave of Absence (Previously Approved)**

<b>Councillors</b>	Deputy Mayor W R Hassell (Presiding Member)	Dalkeith Ward
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R Binks	Hollywood Ward

<b>Staff</b>	Mr M R Cole	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr M A Goodlet	Director Technical Services
	Ms M Granich	Manager Community Development
	Miss D Maxwell	Executive Assistant

**Public** There were 23 members of the public present.

**Press** The Post Newspaper representative.

**Leave of Absence**

**(previously approved)** His Worship the Mayor, R M Hipkins  
Councillor J Wetherall Hollywood Ward

**Apologies** Greg Trevaskis Chief Executive Officer  
Cr B Hodsdon Hollywood Ward

**Absent:** Nil

**Disclaimer:**

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of a Council's position. For example, by reference to the Confirmed Minutes of a Council Meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

**1. Public Question Time**

Nil

**2. Address by Members of the Public**

Mr Lance Karapetkov, 7 Nandina Crescent, Dalkeith PD.39.15  
(Spoke in support of the recommendation)

Mr Oliver Hudson & Karen Hughie-Williams, PD40.15  
Shop 3, 29 Asquith Street, Mt Claremont  
(Spoke in support of the recommendation)

Mr Glen Chapman, 29 Strickland Street, Mount Claremont PD40.15  
(Spoke in support of the recommendation)

Rob Meeks, 123 Rochdale Road, Mount Claremont TS22.15  
(Spoke against the recommendation)

Ms Eugenie Keste, 125 Rochdale Road, Mount Claremont TS22.15  
(Spoke against the recommendation)

Mr Malcolm Murray, 6 Sayer Street, Swanbourne 13.3  
(Spoke in support of the recommendation)

Mr Don Mazzucchelli, 3 Sayer Street, Swanbourne 13.3  
(Spoke in support of the recommendation)

Mr John Dietz, Level 1, 27-35 William Street, Fremantle 13.3  
(Spoke against the recommendation)

### 3. Requests for Leave of Absence

Moved – Councillor Hay  
Seconded – Councillor Smyth

**That Councillor James be granted a leave of absence for the period 22 October 2015 to 25 October 2015 inclusively.**

**CARRIED 9/1  
Against Cr Argyle**

### 4. Petitions

The City of Nedlands received a petition from local residents on Traffic Calming on Quintilian Road, Mt Claremont. The petition was supported by 19 signatures.

The petition was put to Council:

*The resident's respectfully request the Council to aggressively address the problem of constant speeding in our residential street.*

- 1. The road is too narrow for through traffic and residents have had cars damaged as a result.*
- 2. Our quality of life is reduced by speeding cars and our concern for child safety.*
- 3. As time goes by, the "rat run" of our street is gaining popularity, thus increasing the volume of traffic.*
- 4. There are 25 residences in Quintilian Road. When St Peter's Square was developed, it was not envisaged that our street was to become a thoroughfare.*

Moved – Councillor McManus  
Seconded – Councillor Shaw

**That Council receives the Quintilian Road petition and refers it to the CEO for an Administration report.**

**CARRIED UNANIMOUSLY 10/-**

### 5. Disclosure of Financial Interest

Nil.

### 6. Disclosures of Interests Affecting Impartiality

Nil.

### 7. Declarations by Members That They Have Not Given Due Consideration to Papers

Nil.

**8. Confirmation of Minutes**

**8.1 Ordinary Meeting of Council 25 August 2015**

Moved – Councillor Shaw  
Seconded – Councillor Binks

**The minutes of the Ordinary Meeting of Council held 25 August 2015 to be confirmed.**

**CARRIED UNANIMOUSLY 10/-**

**9. Announcements of the Presiding Member without discussion**

Nil.

**10. Members announcements without discussion**

**Deputy Mayor Hassell**

Attended a meeting at the Cottesloe Golf Club to discuss their proposed building development.

**Councillor Smyth**

Attended the PIA WA State Conference on Friday 11 September 2015.

The Conference was opened by the Hon John Day, guest speakers included the Hon Kerry Sanderson AO, Dr Stefan Hajkowicz and Lucy Hughes Turnbull AO and others.

Attended the Surveying & Spatial Science Institute WA Conference at Joondalup on Thursday 17 September 2015. The conference was well attended including the Hon Bill Marmion, Eric Lumsden – Chair WAPC and Paul Kennedy.

**Councillor Horley**

Congratulated Councillor Smyth on being nominated for the award and winning the *Professional of the Year Award* from WA Spatial Excellence Award 2015.

**Councillor Shaw**

Cr Shaw advised that he and the Mayor, Cr Smyth attended the PIA WA State Conference on the 11 September 2015.

On the 16th September 2015, I was invited to participate in an ongoing 'Practitioner Working Group' forum at the Department of Planning entitled: "Planning Reform for Better Design", potentially leading to a new State Planning Policy on 'the importance of design quality'.

**Councillor Binks**

Attended the DHA Static Display at the Associates Rugby Club.

Attended the Mayo Community Garden, Peter Coppin, Horticulturist gave a demonstration on pruning citrus trees. Everybody should come along, very professional day.

**11. Matters for Which the Meeting May Be Closed**

**11.1 Confidential Item - Chief Executive Officer**

A confidential report has been circulated under separate cover and is proposed to be discussed in item 17.1 of this agenda.

**12. Divisional reports and minutes of Council committees and administrative liaison working groups**

**12.1 The Minutes of the following Committee Meeting (in date order) are to be received:**

This is an information item only to receive the minutes of the various meetings held by the Council appointed Committees (N.B. This should not be confused with Council resolving to accept the recommendations of a particular Committee. Committee recommendations that require Council's approval should be presented to Council for resolution via the relevant departmental reports).

**The Minutes of the following Committee meetings (in date order) are to be received:**

**Risk & Audit Committee**

**3 September 2015**

Circulated to Councillors on 9 September 2015

**Council Committee**

**8 September 2015**

Circulated to Councillors on 15 September 2015

Moved – Councillor Shaw  
Seconded – Councillor Hay

**That the Minutes of the Risk & Audit Committee 3 September 2015 be received and the Minutes of the Council Committee 8 September 2015 be received.**

**CARRIED UNANIMOUSLY 10/-**

**Note: As far as possible all the following reports under items 12.2, 12.3, 12.4 and 12.5 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.**

**EN BLOC**

Moved – Councillor James  
Seconded – Councillor Porter

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos. PD.40.15 & TS22.15 are adopted En bloc.**

**CARRIED UNANIMOUSLY 10/-**

## 12.2 Planning &amp; Development Report No's PD39.15 to PD41.15

<b>PD39.15</b>	<b>(LOT 3) No. 7 Nardina Crescent, Dalkeith – Two Storey Single House</b>
----------------	---

<b>Committee</b>	8 September 2015
<b>Council</b>	22 September 2015
<b>Applicant</b>	Glory Holdings (WA) Pty Ltd
<b>Officer</b>	Kate Bainbridge – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2015/150
<b>Attachments</b>	1 – Site Plan and Survey Plan 2 – Ground Floor Plan 3 – Upper Floor Plan 4 – Elevations 5 – Site photographs

**Regulation 11(da) – Not applicable – Recommendation Adopted**

Moved – Councillor James  
Seconded – Councillor Porter

**Council Resolution / Committee Recommendation / Recommendation to Committee****Council:**

Approves the application for a Two Storey Single House and Pool at (Lot 3) No. 7 Nardina Crescent, Dalkeith, in accordance with the application received on 1 May 2015 and amended plans received on 19 June 2015, subject to the following conditions and advice:

1. Amended plans are to be submitted with the building permit application demonstrating the upper floor balcony being setback 9m from the front boundary.
2. The development shall at all times comply with the approved plans.
3. All proposed visual privacy screens and obscure glass panels to Major Openings and Active Habitable Spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2013 (R-Codes)*. The structures shall be installed and remain in place permanently, unless otherwise approved by the City.
4. The crossover to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for the crossover from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.



5. The redundant portion of the existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.
6. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property.
7. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
8. All footings and structures to retaining walls and fences, shall be constructed wholly inside the site boundaries of the Certificate of Title.
9. The street tree is to be retained and shall not be removed without prior written approval from the City.

**Advice Notes specific to this approval:**

1. The applicant is advised that a further planning application will be required for any new primary or secondary street fencing.
2. Any construction in the nature-strip / verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services, prior to construction.
3. Dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the *City of Nedlands Fencing Local Law 2007* are deemed-to-comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line.
4. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
5. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
6. The swimming pool fencing installed is to comply with the *Building Act 2011*, the *Building Regulations 2012* and Australian Standard S 1926.1-1992.

7. The swimming pool, whether partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
8. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
9. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.  
Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide to prevent noise affecting neighbouring properties.  
Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.
10. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an 5  
Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.  
  
Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
11. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

CARRIED EN BLOC 10/-

<b>PD40.15</b>	<b>(LOT 300) No. 3/29 Asquith Street, Mount Claremont – Proposed Change of Use (From Shop to Lunch Bar)</b>
----------------	---

<b>Committee</b>	8 September 2015
<b>Council</b>	22 September 2015
<b>Applicant</b>	K Hughie-Williams
<b>Landowner</b>	Burgess Rawson
<b>Officer</b>	Mr A D Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2015/183 – AS2/29
<b>Attachments</b>	1. Site Plan (A3) 2. Floor Plan (A3)

**Regulation 11(da) – Not applicable - Minor Changes made to the recommendation.**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

Moved – Councillor James  
Seconded – Councillor Binks

That the Committee Recommendation be adopted.

Amendment 1

Moved - Cr Horley  
Seconded - Cr Shaw

Moved the Alternate Recommendation from Administration as an Amendment, except the number to a maximum of 3 tables and 12 chairs.

**LOST 5/6**

Amendment was LOST on the casting vote of the Presiding Member  
(Against: Crs. Argyle, Porter, Binks, Hassell, Hay)

1. The development shall at all times comply with the approved plans, the exception being that a maximum of 3 tables and 12 chairs are only permitted on the premises for customers.
  - 1) The premises only being used for the preparation and sale of take-away sandwiches and similar foodstuffs which is in a form ready to be consumed without further preparation off the premises (refer advice note 1).
  - 2) No unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.
  - 3) The operating hours of the lunch bar are restricted to:
    - Monday and Friday 7.00am to 6.00pm;
    - Saturday 7.00am to 4.00pm; and
    - Sunday 7.00am to 2.00pm.
  - 4) Service and/or delivery vehicles shall not service the premises before 7.00am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays;

## **Amendment 2**

Moved Councillor - Porter

Seconded Councillor - McManus

### **Moved the Alternate Recommendation from Administration as an Amendment.**

1. The development shall at all times comply with the approved plans, the exception being that a maximum of 2 tables and 4 chairs are only permitted on the premises for customers.
2. The premises only being used for the preparation and sale of take-away sandwiches and similar foodstuffs which is in a form ready to be consumed without further preparation off the premises (refer advice note 1).
3. No unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.
4. The operating hours of the lunch bar are restricted to:
  - i. Monday and Friday 7.00am to 6.00pm;
  - ii. Saturday 7.00am to 4.00pm; and
  - iii. Sunday 7.00am to 2.00pm.
5. Service and/or delivery vehicles shall not service the premises before 7.00am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays;

#### **Advice Notes specific to this approval:**

1. With regard to Condition 3, the applicant is advised that take-away sandwiches and similar foodstuffs are only permitted to be served to customers in containers, packaging and/or wrapping, not on plates.

2. **The applicant is advised that a separate development application is required to be submitted and approved by the City if they intend on either of the following:**
  - a) **Serve food which cannot be consumed off the premises; and/or**
  - b) **Increase the seating area and/or seating numbers on the premises.**

**If either of the above apply the use would then be deemed to be a restaurant under Town Planning Scheme No. 2.**
3. **Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
4. **The lunch bar complying with Australian Standard AS1668.2 – 2012 and AS 2444-2001, and all the City’s Environmental Health requirements attached to this development approval.**

**The Amendment was Put and was CARRIED 9/1  
and became the Substantive Motion  
(Against Cr James)**

**The Substantive Motion was Put and was  
CARRIED 9/1  
(Against Cr James)**

Recommendation to Council / Recommendation to Committee

1. Council approves the retrospective application for a lunch bar to continue operating at (Lot 300) No. 3/29 Asquith Street, Mount Claremont, subject to the following conditions and advice:
  - a. The development shall at all times comply with the approved plans.
  - b. Unless otherwise approved by the City, there shall be no tables and chairs available for customers.
  - c. The existing tables and chairs shall be removed from the premises within 14 days from this decision, to the City’s satisfaction.
  - d. The use complying with the lunch bar definition as stipulated under Town Planning Scheme No. 2 (refer to advice note 1).
  - e. No unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.
  - f. The operating hours of the lunch bar are restricted to:  
Monday and Friday 7.00am to 6.00pm;  
Saturday 7.00am to 4.00pm; and  
Sunday 7.00am to 2.00pm.

Advice Notes specific to this approval:

1. The applicant is advised that the use 'Lunch Bar' is defined as being the following under the City's Town Planning Scheme No. 2:

*"Means premises used for the preparation and/or sale of take-away sandwiches and similar foodstuffs within industrial and commercial areas in a form ready to be consumed without further preparation off the premises."*

2. The applicant shall lodge with the City an *Application for Food Premises Alteration / Fit-out* which an Environmental Health Officer at the City is satisfied demonstrates food safety outcomes.
3. Prior to commencing a Food Business, the premises shall receive an inspection from an Environmental Health Officer at the City which cites the Food Business may commence operation.
4. Upon commencement of a Food Business, a Food Safety Program which meets the requirements of the *Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs* shall be implemented and maintained.
5. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
6. Noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays.
7. Prior to commencing a Food Business\* a proprietor shall lodge with the City a *Food Business Registration / Notification Form*.  
*\*A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.*

<b>PD41.15</b>	<b>Girl Guides Western Australia Inc. – Lease Of Guides Hall At 121 Monash Avenue, Nedlands – Portion Of Reserve 20838</b>
----------------	--

<b>Committee</b>	15 September 2015
<b>Council</b>	29 September 2015
<b>Applicant</b>	Girl Guides Western Australia Inc.
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rebecca Boley – Leased Assets Co-ordinator
<b>Director</b>	Peter Mickleson – Planning & Development
<b>File Reference</b>	CAP-LB-00007
<b>Previous Item</b>	D22.10 on 27 April 2010

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor James  
Seconded – Councillor Porter

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council**

- 1. Approves and endorses the lease agreement (as amended) with Girl Guides Western Australia Inc. for premises at Reserve 20838 in the terms contained in Attachment 1 and**
- 2. Authorises the Mayor and CEO to execute the Deed of Lease with application of the City’s common seal.**

**CARRIED EN BLOC 10/-**

**UPDATE – 15/09/2015**

As required, the Draft Lease was sent to the Department of Lands for review. The Department has confirmed “in principal” approval subject to the following amendments:

- Clause 8.2 “indemnity” – to include indemnification to the Minister for Lands.
- Clause 24.1 “No assignment or sub-letting without consent” – to also include prior consent of the Minister of Lands.
- Clause 31 “Variation – to also include prior consent of the Minister of Lands.
- Clause 38.1 “No absolute caveat” - to also include prior consent of the Minister of Lands.

The proposed new Lease has now been updated to include all amendments as requested by the Department.

## 12.3 Technical Services Report No: TS22.15

<b>TS22.15</b>	<b>Mt Claremont Shopping Centre Parking</b>
----------------	---

<b>Committee</b>	8 September 2015
<b>Council</b>	22 September 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Mark Goodlet – Director Technical Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	TS-008753

*Cr Binks assumed the chair at 8.38pm*

*Deputy Mayor Hassell (Chair) left the room at 8.38pm and returned at 8.40pm*

*Cr Binks returned to his Chair at 8.40pm*

**Regulation 11(da): Not Applicable – Minor changes made to the recommendation.**

Moved – Councillor Smyth  
Seconded – Councillor Porter

#### **Council Resolution / Committee Recommendation**

##### **Council:**

1. **Agrees to investigate the provision of extra parking bays in Asquith Street by:**
  - a) **Relocation of the bus stop at Asquith Park and the provision of angled parking; and**
  - b) **The addition of parallel parking bays adjacent to 32 Strickland Street (corner lot).**
  - c) **Review street parking bays availability.**
  
2. **Agrees to investigate the provision of extra parking bays in the residential block known as Asquith Park by:**
  - a) **Redesign of the park layout to incorporate the existing 8 bays; and**
  - b) **Creation of an improved village centre park with landscaped garden, shelter and upgraded furniture.**
  
3. **Agrees to investigate the provision of an alternative park at 26a Adderley Street by:**
  - a) **Re-engineer of the council owned drainage sump;**



- b) Design of a park layout to incorporate a playground and 4 new car bays; and
  - c) Allocation of \$5,000 to fund feasibility of work.
4. Agrees to investigate the provision of an alternative park at west Asquith St cul-der-sac by:
- a) Dual purposing of the un-constructed road reserve servicing golf course;
  - d) Design of a thoroughfare layout to incorporate the mulberry tree and 4 new car bays;
  - e) Maximising the goodwill landscaping of adjacent property stakeholders.
5. Writes to the owners of Strata Title 30656 for the Mt Claremont Village requesting measures be taken to:
- a) Maximising the availability of onsite parking, including the use of a multi-levelled parking structure;
  - b) Ideally provide an additional 53 of 73 bays of the onsite shortfall;
  - c) Be within the extent permitted under Town Planning Scheme No. 2 and Strata Titles Act 1985.

**CARRIED 6/4**

**(Against: Crs. Horley, McManus, Smyth, Binks)**

Recommendation to Committee

Council:

1. Agrees to investigate the provision of an extra 15 parking bays in Asquith Street by removal of the bus stop at Asquith Park and the provision of angled parking and by the addition of parallel parking bays adjacent to 32 Strickland Street, subject to the owners of the Mt Claremont Shopping Centre maximising the availability of onsite parking including the use of second storey parking to the extent permitted under Town Planning Scheme No. 2.
2. Requests that the CEO write to the owners of the Mt Claremont Shopping Centre advising the owner of Council's position on this matter.

*Cr James left the room at 8.58pm and did not return.*

**12.4 Community & Organisational Development Report No: CM06.15**

**CM06.15      Community Sport and Recreation Facilities  
Fund Application – Allen Park Pavilion  
Upgrade**

<b>Committee</b>	8 September 2015
<b>Council</b>	22 September 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Amanda Cronin – Senior Community Development Officer (Recreation) Marion Granich - Manager Community Development
<b>Director</b>	Michael Cole – Director Corporate and Strategy
<b>File Reference</b>	CD-004384

**Regulation 11(da) - Not Applicable – Recommendation Adopted.**

Moved – Councillor James  
Seconded – Councillor Porter

**Recommendation to Council / Recommendation to Committee**

**Council:**

- a) **Advises the Department of Sport and Recreation that it endorses the City's Community Sport and Recreation Facilities Fund grant application for \$244,233 towards an upgrade of the Allen Park Pavilion;**
- b) **Ranks and rates this application as follows:  
1 – Allen Park Pavilion Upgrade: Well Planned and Needed by Sport.**

**CARRIED EN BLOC 10/-**

**12.5 Corporate & Strategy Report No's CPS21.15 to CPS22.15****CPS21.15 List of Accounts Paid – July 2015**

<b>Committee</b>	8 September 2015
<b>Council</b>	22 September 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Kim Chua – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File Reference</b>	Fin/072-17
<b>Previous Item</b>	Nil

**Regulation 11(da) - Not applicable – Recommendation adopted.**

Moved – Councillor James  
Seconded – Councillor Porter

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of July 2015 (Refer to Attachment).**

**CARRIED EN BLOC 10/-**

<b>CPS22.15</b>	<b>Corporate Business Plan – Quarter 4 2014/15</b>
-----------------	--

<b>Committee</b>	8 September 2015
<b>Council</b>	22 September 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Pollyanne Fisher - Policy & Projects Officer
<b>Director</b>	Michael Cole - Director Corporate & Strategy
<b>File Reference</b>	CS-BP-00002
<b>Previous Item</b>	CPS15.15 (Quarter 3 Report)

**Regulation 11(da) – Not applicable – Recommendation adopted.**

Moved – Councillor James  
Seconded – Councillor Porter

**Council Resolution / Committee Recommendation / Recommendation to  
Committee**

**Council receives the Quarter 4 2014/2015 report on progress towards “Nedlands  
2023 – Making it Happen”, the Corporate Business Plan.**

**CARRIED EN BLOC 10/-**

**13. Reports by the Chief Executive Officer**

**13.1 Common Seal Register Report –August 2015**

The attached Common Seal Register Report for the month of August 2015 is to be received.

Moved – Councillor Binks  
Seconded – Councillor Hay

**That the Common Seal Register Report for August 2015 be received.**

**CARRIED UNANIMOUSLY 9/-**

**13.2 List of Delegated Authorities – August 2015**

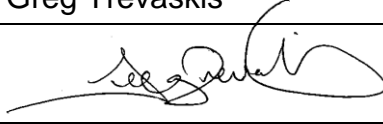
The attached List of Delegated Authorities for the month of August 2015 is to be received.

Moved – Councillor Hay  
Seconded – Councillor Shaw

**That the List of Delegated Authorities Report for August 2015 be received.**

**CARRIED UNANIMOUSLY 9/-**

**13.3 Sayer Street Road Closure**

<b>Committee</b>	N/A
<b>Council</b>	22 September 2015
<b>Applicant</b>	City of Nedlands
<b>CEO</b>	Greg Trevaskis
<b>CEO Signature</b>	
<b>File Reference</b>	TS-PRJ-00053
<b>Previous Item</b>	28 July 2015 Ordinary Meeting of Council; items 14.2 & 14.3

**Regulation 11(da) - Not applicable – Recommendation adopted.**

Moved – Councillor Shaw  
 Seconded – Councillor McManus

**Recommendation to Council****Council:**

- 1. Resolves:**
  - a. to close Sayer Street on 26 July 2016;**
  - b. that the reasons for the road closure are;**
    - i. to reinstate the area to its original natural state for park and recreational use;**
    - ii. to address a serious concern regarding a major increase in traffic on Sayer Street post development of Seaward Village;**
    - iii. because the planning of the new subdivision can incorporate a secondary access road without impacting on current residents;**
  - c. that the closure shall be effected on a portion of Sayer Street between Jameson Street and the rear of 5 Horizon Court; and**
- 2. Approves additional budget expenditure of \$20,500 for investigation, consultation and design purposes, with funds to be included in the mid-year budget review.**

**CARRIED UNANIMOUSLY 9/-**

## Strategic Plan

KFA: Transport

The Community Strategic Plan recognises “changing demands in transport” (p.10) and emphasises safe transport (p.16).

A Council outcome of great communities through protected amenity is also an aspiration for Nedlands (p.14).

## Background

Sayer Street is a thoroughfare under the care and control of the City of Nedlands. At the east and west ends the thoroughfare sits within road reserve vested in the City. In the middle section the thoroughfare passes through lots 177, 178 and 202, which are part of Class A reserve no. 19283, also vested in the City. Lots 177 and 178 were part of a road reserve for Sayer Street, but were included within the Class A reserve on 5 November 1926.



Figure 1. Sayer Street with its portion of A Class reserve shaded in green.

## Key Relevant Previous Council Decisions

28 July 2015 Ordinary Meeting of Council, item 14.3:

1. *The City consults with all stakeholders on the closure of that part of Sayer Street, Swanbourne (A Class reserve 19283) which is not a dedicated road and traverses a reserve and the reinstatement of the area to its original natural state.*
2. *Report to be prepared for the Council Meeting of 22 September 2015.*

28 July 2015 Ordinary Meeting of Council, item 14.2:

1. *The City inform DHA that vehicular access to any future development/redevelopment of Seaward Village shall not be through A Class reserve 19283;*

2. *The City erect two street signs on either side of Sayer Street Swanbourne at A Class Reserve 19283, as follows:*

*'You are traversing an A Class Reserve created for the purpose of Parks and Recreation. Please protect our wildlife'.*

## Consultation

Required by legislation: Yes  No   
 Required by City of Nedlands policy: Yes  No

Urbis, who are a town planning consultancy firm representing Defence Housing Australia have sent a letter to the City of Nedlands outlining reasons why they oppose closure of Sayer Street. The reasons include:

- Dual access is required for emergency purposes;
- Dual access is required for bush fire emergency specifically;
- Melon Hill and surrounding bushland is particularly vulnerable given that it is natural bushland and has been identified as a bushfire prone area;
- New, tighter, legislative requirements are being imposed on bushfire prone areas; and
- Urbis considers that the Department of Lands will also have due regard to the above requirements.

A copy of their correspondence is provided as Attachment 2.

## Legislation / Policy

The *Local Government Act 1995* s3.50 and the *Local Government (Functions and General) Regulations* section 4 stipulate the requirements for consultation in the event of a road closure.

It is noted that part (4) of section 3.50 of the Act applies to closure of any “thoroughfare” that the local government manages. This is not specific to a dedicated road reserve and the consultation requirements are applicable to this road, as it fits the definition of thoroughfare.

Ultimately the City of Nedlands or the Minister for Local Government is able to revoke a road closure, under section 3.50 of the Act.

## Budget/Financial Implications

Within current approved budget: Yes  No   
 Requires further budget consideration: Yes  No



The following activities will need budget consideration:

Item	Description	Cost (\$)	Year
1.	Consultation with Department of Fire and Emergency Services regarding emergency fire access to the Seaward Village and expert advice for determination of solutions	4,000	2015/16
2.	Prescribed Advertising and consultation materials production and distribution costs	1,500	2015/16
3.	Consultation implementation and assessment	In-house	2015/16
4.	Road closure design (cul-de-sacs) and estimate	15,000	2015/16
	<b>TOTAL</b>	<b>20,500</b>	<b>2015/16</b>
5.	Implementation of Temporary Closure under Traffic Management	4,000	2016/17
6.	Construction (To be determined)	T.B.D.	2016/17
	<b>TOTAL</b>	<b>T.B.D.</b>	<b>2016/17</b>

A recommendation to provide for the 2015/16 costs towards the closure is provided.

## Risk Management

Local government road closures are protected from compensation payment for damages under section 3.23 of the *Local Government Act 1995*, although this must be carried out in a manner that is not considered negligent.

Implementation of the road closure in a safe manner will be managed through the provision of professional design services and application for approval to Main Roads WA for the proposal. This mitigates the liability from negligence for which a local government can be liable under section 9.57 of the *Local Government Act 1995*.

## Discussion

### Closure Date

Key timeline elements are:

Closure Design	January to March 2016
Consultation	February to March 2016
Council Confirmation Report	May to June 2016
<b>Road Closure</b>	<b>26 July 2016</b>
Closure Construction activities	August to September 2016

There are a number of considerations in determining the most appropriate date for the closure of the road.

The Department of Fire and Emergency Services (DFES) is highly unlikely to support single road access into Seaward village.

There will need to be professional advice sought and negotiations undertaken with DFES to determine a solution for emergency access for emergency services vehicles entering the subdivision, to determine safe alternative escape routes for those living in the subdivision and to determine acceptable bush fire management solutions in the event that a road closure goes ahead. Adequately resolving these issues for existing residents, ahead of any closure of Sayer Street, is considered by Administration to be a critical issue.

Commencing in January 2016, it is proposed to undertake closure design. This will then inform the capital works budget considerations for the 2016/17 financial year in time for commencement of the closure works early in the next financial year.

It is proposed to carry out consultation that is compliant with *Local Government Act 1995*, section 3.50. This process will take about three months. However, by undertaking a compliant consultation process Council is able to undertake a closure without any further consultation, should it determine this to be the best course of action. The alternative to this would be that an informal consultation was undertaken and a report brought back to Council. If Council wished then to proceed with the closure a compliant consultation would be required, effectively doubling the consultation period.

In order to meet statutory requirements the consultation must establish the date of the closure. Therefore a decision to undertake the road closure on 26 July 2016 is proposed to be resolved now by Council in order to meet this requirement. Under the proposed timeline Council would make the final decision on the closure in June 2016, based on the consultation results and any further material it considered to be relevant to the matter at that time.

With Defence Housing Australia now in the planning stage of the subdivision, they now have the opportunity to consider a secondary access road, in order to address the requirements for dual access to the subdivision.

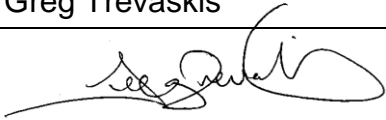
## **Conclusion**

This report provides a schedule for the implementation of a road closure of Sayer Street, Swanbourne and addresses legislative compliance issues and costs associated with the closure. The recommendations allow the closure to move forward.

## **Attachments**

1. Sayer Street Closure Schedule; and
2. Letter from Urbis opposing Sayer Street road closure.

**13.4 Financial Assistance Grants to Local Government**

<b>Council</b>	22 September 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Michael Cole - Director Corporate & Strategy
<b>CEO</b>	Greg Trevaskis
<b>CEO Signature</b>	
<b>Previous Item</b>	N/A
<b>Previous Item</b>	N/A

**Regulation 11(da) - Not applicable – Recommendation adopted.**

Moved – Councillor Shaw  
 Seconded – Councillor McManus

**Council**

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;**
- 2. Acknowledges that the City of Nedlands will receive \$760,600 in the 2015/16 financial year, with an advance payment received in June 2015; and**
- 3. Will ensure that this federal funding, and any other funding provided by the Federal Government under relevant grant programs is appropriately identified as Commonwealth grant funding in City publication including annual reports.**

**CARRIED UNANIMOUSLY 9/-**

**Background**

Financial Assistance Grants (FAGS) are a vital part of the revenue base of all local governments. In 2014-15 local governments received \$2.3 billion from the Australian Government under this important program.

The Federal Government's decision in the 2014 Federal Budget to freeze the indexation of FAGS for three years beginning in 2014-15 will unfortunately cost local governments across Australia an estimated \$925 million by 2017-18.

The Australian Local Government Association and each State Local Government Association are seeking the support of all local governments for advocacy to have the Federal Government reverse the decision.

While the FAGS are paid through each state's Local Government Grants Commission, the funding originates from the Commonwealth and it is important it is recognised as such. The City of Nedlands and every other local government have been asked to pass the above resolution to acknowledge the importance of the Commonwealth's FAGS in assisting local government to provide important community infrastructure.

The City of Nedlands is also being asked to acknowledge the receipt of FAGS from the Commonwealth in media releases and City publications, including the annual report. The City is also being asked to highlight to the media a council project costing a similar amount to the FAGS to be received so that the importance and the impact of the grants can be more broadly appreciated. For the City of Nedlands, the FAGS grant is equivalent to 30% of the City road rehabilitation and improvement program for 2015-16.

**14. Elected Members Notices Of Motions Of Which Previous Notice Has Been Given**

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Nil

**15. Elected Members Notices Of Motion Given At The Meeting For Consideration At The Following Ordinary Meeting On 22 September 2015.**

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Notices of motion for consideration at the Council Meeting to be held on 22 October 2015, to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

Nil

**16. Urgent Business Approved By The Presiding Member Or By Decision**

Nil

17. Confidential Items

17.1 Chief Executive Officer – New Employment Agreement

Closure of Meeting to the Public

Moved – Councillor Hay  
Seconded - Councillor McManus

**That the meeting be closed to the public in accordance with Section 5.23 (a) & (b) of the Local Government Act 1995 to allow consideration of the Confidential Report of the CEO Performance Review Committee.**

**CARRIED 8/1  
(Against Cr Argyle)**

*The meeting was closed to the public at 9.10pm to discuss Confidential Items 17.1*

*Acting CEO Mr Michael Cole and Executives left the room at 9.11pm*

Re-Opening of Meeting to the Public

Moved – Councillor McManus  
Seconded – Councillor Shaw

**That the meeting be re-opened to members of the public and the press at 9.43pm.**

**CARRIED UNANIMOUSLY 9/-**

*The Meeting was re-opened at 9.41pm*

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motion passed by the Council behind closed doors as follows:

Moved – Councillor Binks  
Seconded – Councillor Porter

***The Committee endorses submission of the proposed Employment Agreement to Council as follows:***

- 1. Seeks approval to enter into a two-year Employment Agreement with CEO Mr Greg Trevaskis, commencing 11 December 2015 and ending 11 December 2017 based on the terms and conditions contained within (Confidential Attachment).***
- 2. Proposed terms of the Employment Agreement include an increase to the CEO's current annual remuneration equivalent to Perth's Consumer Price Index (CPI) increase of 1.4% (March quarter 2014 to March quarter 2015), to take effect at the commencement of the contract as at 11 December 2015.***
- 3. A CEO Performance Review Committee Meeting to be held in December 2015 or in the New Year to discuss and agree on the CEO's Key Performance Indicators (KPIs) for the following 12 months.***

**CARRIED UNANIMOUSLY 9/-**

**DECLARATION OF CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 9.43pm

A handwritten signature in black ink, appearing to read "Michael Cole".

Michael Cole  
**ACTING CHIEF EXECUTIVE OFFICER**